

App. No. 10/001,280  
Amendment Dated: February 2, 2007  
Reply to Office Action of October 2, 2006

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REMARKS/ARGUMENTS

The Office Action mailed October 2, 2006 has been received and the Examiner's comments carefully reviewed. Claims 1, 4, 15, 16, 17, and 19 are rejected under 35 U.S.C. 102(e). Claims 2, 3, 5-14, 18, and 20 are rejected under 35 U.S.C. 103(a). No claims have been amended.

Rejections Under 35 U.S.C. 102(e)

Claims 1, 4, 15, 16, 17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al. (U.S. Patent No. 6,662,356)(hereinafter "Edwards").

The Office Action recites that "[t]he applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131."

Attached hereto is a Declaration under 37 C.F.R. §§ 1.131 and 1.132 executed by the inventors of the current application (Edwards and Gomes) that removes the Edwards patent as a reference. Reconsideration and removal of the rejection is therefore respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is

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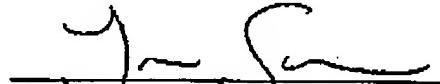
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respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

  
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